



UNITED STATES DEPARTMENT OF COMMERCE  
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/394,943 11/04/94 DRORI

Z 392.6

EXAMINER

WELDON, U

26M2/0310

ART UNIT

PAPER NUMBER

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NEWPORT BEACH CA 92658-8569

61

2609

DATE MAILED:

03/10/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on Dec. 12, 1994  This action is made final.

A shortened statutory period for response to this action is set to expire Three month(s), 0 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice of Draftsman's Patent Drawing Review, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449.
4.  Notice of Informal Patent Application, PTO-152.
5.  Information on How to Effect Drawing Changes, PTO-1474..
6.

Part II SUMMARY OF ACTION

1.  Claims 95 - 103 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2.  Claims 1 - 94 have been cancelled.
3.  Claims \_\_\_\_\_ are allowed.
4.  Claims 95 - 103 are rejected.
5.  Claims \_\_\_\_\_ are objected to.
6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.
7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8.  Formal drawings are required in response to this Office action.
9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable;  not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been  approved by the examiner;  disapproved by the examiner (see explanation).
11.  The proposed drawing correction, filed \_\_\_\_\_, has been  approved;  disapproved (see explanation).
12.  Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14.  Other

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to adequately teach how to make and/or use the invention.

The declaration of Mr. Ze'Ev Driori has been noted. However, it does not contain supporting matter for the encoder unit (16), control (14), microprocessor (142).

In Mr. Carl Angotti's declaration there is an explicit statement that a Supertex ED9 "can only detect a single security "key" signal. The invention of the Patent Application allows for the detection of several keys in a single receiver".

Mr. Angotti has referred throughout his declaration to elements never mentioned or properly incorporated in the original specification (see MPEP 608.01(P)). The material shown in Figures C-1 to A-5 would appear to be necessary to support one embodiment in the present disclosure. Such is not in the present disclosure. Therefore, the Declaration by Mr. Angotti suggests

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the incompleteness of applicant's original disclosure.

Essential material has not been provided by incorporation by reference to U.S. patents and by submission of software program in order for the functionally disclosed control unit 14 and microprocess 142 to have the claimed capabilities.

The encoder unit (16), control (14), microprocessor (142) are not specified as to known commercial design product or the like. Absent is essential software specification to provide basis for many of the claimed functional features, those the M-bit, N-bit code functions, the microprocessor operations and means, the arming/disarming functions and access functions, the programming mode and receiving mode functions, and arming/disarming functions.

For the claimed features to have basis in the specification, detailed description of control unit 14 and microprocessor 142 (a software program) should be specified.

As set forth in MPEP 608.01(p), "an application as filed must be complete in itself in order to comply with 35 USC 112." On pages 12-15 of applicant's response filed January 30, 1989, there are arguments directed to structure which would support functions set forth in the original specification and drawings. However, none of the structures or programs is in the original disclosure.

The description of the elements and programs in issue in the

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original disclosure and their interaction in the system can, in general, only be described as conceptual. As indicated in In re Knowlton, 481 F. 2d 1357, 178 USPQ 486 (CCPA 1973), the invention claims must be described somewhere in the specification. Otherwise, it is left to the artisan to try to find out for himself precisely what is intended or will work to effect the suggested operations.

As indicated in In re Scarbrough, 500 F. 2d 560, 180 USPQ 298 (CCPA 1974), the statute requires the application itself to inform, not direct others to find out for themselves.

The CCPA (In re Prater and Wei; 162 USPQ 541) held, "Apparatus and process claims broad enough to encompass operation of programmed general-purpose digital computer are not necessarily unpatentable; once a program has been introduced." Applicant's microprocessor with a memory is a digital computer. Therefore, its functions can only be supported by a disclosed program. Such a program was not in the originally filed disclosure.

3. Claims 95-103 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

4. Claims 95-103 are rejected under 35 U.S.C. § 103 as being unpatentable over Pinnow ('046) in view of Aydin, Tolson, and Sanders et al.

Pinnow teaches an electronically programmable remote control vehicle (column 4, lines 43-47) security (e.g. locking) system comprising a portable hand-held (e.g. pencil watch. See column 3, line 6) transmitter comprising means (column 2, line 55) for generating and transmitting a determined digitally encoded receiver signal or signals (column 3, lines 14-16), actuating means 24 for actuating said generating and transmitting means (column 3, lines 35-40 suggest plural key or transmitting means) so that said signal or signals are automatically generated and transmitted; a system control unit to obviously be disposed within said vehicle comprising receiving means 48 operable during a system program mode and a system operating-receiving mode for receiving said transmitted encoded signal and generating an electrical signal representative of the encoded signal by amplifier 50; a digital memory (column 9, lines 17-25) for storing data representative of control signal; programming and operating means 52. Pinnow does not teach a radio frequency system.

At the time that the invention was made, Tolson (column 3, lines 53-62) had disclosed the interchangeability of a light and radio system. One of ordinary skill in the art having Tolson would readily find obvious that the teaching in Tolson could be used to substitute a radio signal for a light signal in Pinnow.

In column 2, lines 50-54, Pinnow points out that his

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invention can be used to replace a card. Aydin (column 9, lines 30-32) teaches a predetermined time delay means which can be used in a programmable security system. Since Pinnow's invention can be substituted for a card in Aydin, the teaching in Aydin can obviously be used in Pinnow because their teachings are interchangeable.

In column 6, lines 4-6, Pinnow suggests the next code received by a lock from a transmitter will reprogram the lock and the transmitter can have minimum features. The key 15 in Aydin has a minimum of features and is preprogrammed as set forth in the claims. As set forth in column 4, lines 29-34 of Aydin, the programmed key can reprogram a lock as suggested in Pinnow. These preprogram and reprogram codes would not be known by a user as required by the claims. Aydin also such a wireless key in column 3, lines 66-67.

One of ordinary skill in the art having Aydin would be motivated to use a minimum feature transmitter as suggested in Aydin in Pinnow.

At the time that the invention was made, the patent to Sanders et al, in view of the interchangeable wireless teaching in Tolson, had disclosed that a wireless unit as set forth in Pinnow could be used to arm or disarm a security device.

5. Claims 95-103 are rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-10 of prior U.S. Patent

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No. 5,146,215. This is a double patenting rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to U. Weldon whose telephone number is (703) 305-4389.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

U. Weldon:tlr  
March 9, 1995

*Ulysses Weldon*  
ULYSSES WELDON  
PRIMARY EXAMINER  
GROUP 2609